

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JANET PATTERSON)	
)	No. 3-10-0996
v.)	
)	
SAFECO INSURANCE COMPANY OF)	
AMERICA)	

ORDER

As addressed during the telephone conference call with counsel for the parties and the Court held on September 6, 2011, the defendant's motion for judgment on the pleadings (Docket Entry No. 75) was DENIED, with leave for the defendant to renew after the plaintiff filed an amended complaint.

The Clerk is directed to file and docket the plaintiff's amended complaint (Docket Entry No. 90-1).

As addressed during the telephone conference call with counsel for the parties and the Court on September 8, 2011, the plaintiff's motion to compel and for attorney's fees (Docket Entry No. 85) and the plaintiff's motion for clarification (Docket Entry No. 84) were GRANTED as provided in the contemporaneously entered order, except that the Court declined to award attorney's fees against the defendant. The plaintiff's motion to compel discovery and to amend the schedule (Docket Entry No. 82) was essentially subsumed into the later filed motion to compel, and thus was DENIED as MOOT.

On October 11, 2011, the parties filed a stipulation of agreed protective order (Docket Entry No. 95). Although there was no provision for the Court to sign the order, assuming that the parties wanted to convert the stipulation into an agreed protective order, the stipulation is deemed to be a motion for entry of agreed protective order, and, as such, is GRANTED, and the agreed protective order is contemporaneously entered.

As a housekeeping matter, the defendant's motion to file a reply (Docket Entry No. 96) is GRANTED.

The Clerk is directed to file and docket the plaintiff's reply (Docket Entry No. 96-1).

The defendant's motion to continue the trial (Docket Entry No. 106) is GRANTED.

The pretrial conference, scheduled on January 12, 2012, and trial, scheduled on January 24, 2012, are CANCELLED.

However, a hearing on the defendant's partial motion to dismiss (Docket Entry No. 91) and the plaintiff's motion for leave to file second amended complaint and to amend scheduling order (Docket Entry No. 101) is scheduled on **Tuesday, January 24, 2012, at 1:00 p.m.**, in Courtroom No. 764, U.S. Courthouse, 801 Broadway, Nashville, TN, at which time a new trial date will be scheduled and all other pending matters will also be addressed.

As a result, the plaintiff's motion for a telephonic hearing (Docket Entry No. 97) is DENIED as MOOT.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge